IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.1638 OF 2003
IN
SUIT NO.3134 OF 1996
AND
COUNTER CLAIM NO. OF 2003

West Coast Shelters Pvt.Ltd. ..Plaintiffs

Vs.

M/s.Rachana Construction Co.
and others ..Defendants

And

Mrs.Parveen Kanta Rajnish
Jain and other ..Applicants

....

Thomas Almedia for Plaintiff to show cause
M.D.Jaywant with Ms.Uma Asarwal for
Applicants in support of Chamber Summons.

....

CORAM : S.U.KAMDAR,J.
DATE : JANUARY 11,2005

P.C.:

1. By the present Chamber Summons, the applicants are seeking to be impleaded as party defendant nos.20 and 21. The applicants are claiming interest in two Galas being Gala no.205-B and 205-C situated on IInd floor, 'C' Wing of Vaibhav Industrial Estate, Saki Naka, Andheri (E), Mumbai. In respect of these two Galas, the applicants have filed suit in this Court being Suit No. 3753 of 1998 for specific performance.

2. The present suit is filed by the plaintiffs

claiming interest in all Galas/units situated on the IInd floor of ‘C’ Wing along with other two units. Thus, it is clear that there is conflicting interest between the parties in respect of Gala nos.205-B and 205-C. In view thereof, it is necessary that the present Chamber Summons to be allowed and the applicants to be permitted to be added as party defendants in the present suit so that they are heard before any order is passed in respect of Gala nos.205-B and 205-C. In view of the above, the Chamber Summons is made absolute in terms of prayer clause (a).

[S.U.KAMDAR,J.]